

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVID S. HEMBREE,

Plaintiff,

v.

Case No. 12-cv-13036
Honorable Denise Page Hood

PATRICIA CARTER, JOAN ROGERS
DARRYL BRADY, and LORI KOPKA,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND
GRANTING DEFENDANT'S MOTION TO DISMISS**

This prisoner civil rights matter comes before the Court on Magistrate Judge Paul J. Komives Report and Recommendation on Defendants' Motion for Summary Judgment [Dkt #12] and Defendant Brady's Motion to Dismiss [Dkt #22]. For the reasons stated below, the Court adopts the Report and Recommendation in its entirety as this Court's findings of fact and conclusions of law.

The Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* An objection to the

Report and Recommendation must be timely and specific . *See* Fed. R. Civ. P. 72(b)(2); E.D. Mich. L. R. 72.1(d); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981) (“The filing of objections provides the district court with the opportunity to consider the specific contentions of the parties and to correct any errors immediately.”)

The Court finds the Report and Recommendation’s reasoning and conclusions appropriate. The Court will also note that neither party has filed an objection to the Report and Recommendation. A party’s failure to file any objections waives his or her right to further appeal. *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court finds that the parties have waived any further objections to the Report and Recommendation and adopts the Magistrate Judge’s findings of fact and conclusions of law in their entirety.

Accordingly

IT IS ORDERED that the Report and Recommendation [Docket No. 38, filed July 2, 2013] is ADOPTED as this Court’s findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendants Patricia Carter, Lori Kopka, and Joan Rogers’ Motion for Summary Judgment [Docket No. 12, filed September 20, 2012] is GRANTED.

IT IS FURTHER ORDERED that Defendant Darryl Brady's Motion to Dismiss [Docket No. 22, filed January 7, 2013] is GRANTED.

IT IS FURTHER ORDERED that this case is DISMISSED WITHOUT PREJUDICE to Plaintiff refiling his suit.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: July 31, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 31, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager